**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| **DERRICK DALE FONTROY, I.** | : | **CIVIL ACTION** |
| **THEODORE B. SAVAGE, J.D.** | : | |
| **AARON CHRISTOPHER WHEELER** | : | |
| **JAMES S. PAVLICHKO** | | |
| | : | |
| **v.** | : | **No. 02-2949** |
| | : | |
| **MARK S. SCHWEIKER** | : | |
| **JEFFREY A. BEARD** | : | |
| **DONALD T. VAUGHN** | : | |
| **LESLIE HATCHER** | : | |
| **KIM ULISNY** | : | |

**ORDER**

    **AND NOW**, this 22nd day of November, 2005, upon consideration of the plaintiffs'

Motion to Compel, Alternatively a Writ of Mandamus Prohibition (Document No. 236),[1] it

is **ORDERED** that the motion is **DENIED**.[2]

 

                           **/s/**
                          TIMOTHY J. SAVAGE, J.

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[1] In the Court's Order of March 16, 2005 (Document No. 220), the plaintiffs were instructed that courtesy copies of all pleadings must be served upon both the court and counsel for the defendants. The defendants were never served a courtesy copy of the instant petition. Plaintiff's are directed to comply with our Order of March 16, 2005. Failure to serve courtesy copies of pleadings will result in a delay in considering the submissions until after the defendants have been served and given an opportunity to respond.

[2] The matters raised and the relief requested by the plaintiffs are not related to the prison mail policy, which is the subject of this action. Even if the present motion related to the prison mail policy, there are three cases similar to the instant case currently consolidated for disposition on appeal to the Third Circuit Court of Appeals: *Allah v. Governor of New Jersey*, No. 04-4426 (3d Cir. Nov. 30, 2004), *appeal from* No. 02-5298 (D.N.J.); *Taylor v. Oney*, No. 04-2062 (3d Cir. Apr. 9, 2004), *appeal from* No. 00-0557 (D. Del.); *Jones v. Brown*, No. 03-3823 (3d Cir. Sept. 9, 2003), *appeal from* No. 02-3045 (D.N.J.). Indeed, the plaintiffs' have filed an *amicus* brief in the consolidated appeal. Therefore, because the holding in the consolidated appeal will be dispositive of this case and there is an Order (Document No. 227) staying all proceedings pending the appellate court's decision, the plaintiffs' motion is denied.